

REMARKS

Favorable reconsideration in view of the previous amendments and following remarks is respectfully requested.

Claims 1-28 are pending. Currently, claims 13-28 are under examination, claims 1-12 having been withdrawn as a result of the May 2, 2008 restriction requirement. By this Amendment, claims 13 and 19 are amended. No new matter has been added.

Applicants again respectfully request acknowledgment of Applicants' claim for priority. Copies of the priority documents have been forwarded from the International Bureau.

The Office Action objects to the claims. The claims have been amended to address the Examiner's concerns.

The Office Action rejects claims 13, 15, 18, 19 and 24-26 under 35 U.S.C. §103(a) over the *Herrmann* publication in view of U.S. Patent Application Publication No. 2002/0149510 to *Salzeder* and U.S. Patent Application Publication No. 2007/0163430 to *Kravitz*; and rejects claims 14 and 27 under 35 U.S.C. §103(a) over *Herrmann*, *Salzeder* and *Kravitz* and further in view of U.S. Patent Application Publication No. 2007/0151493 to *Graf et al.*; rejects claim 16 under 35 U.S.C. §103(a) over *Herrmann*, *Salzeder* and *Kravitz* and further in view of U.S. Patent No. 7,086,318 to *Darnall*; rejects claims 17 and 28 under 35 U.S.C. §103(a) over *Herrmann*, *Salzeder* and *Kravitz* and further in view of U.S. Patent No. 4,222,306 to *Maury*; and rejects claims 20 and 23 under 35 U.S.C. §103(a) over *Herrmann*, *Salzeder* and *Kravitz* and further in view of U.S. Patent No. 4,852,456 to *Thornburg*. These rejections are respectfully traversed.

Applicants' independent claim 13 is directed to a protective system apparatus for the protection of ships against terminal phase guided missiles. A target analysis system comprises at least one computer including a database in which appropriate decoy patterns for respective missile types and respective attack structures are stored, which allow to generate, in dependence on the identified missile in the attack structure, a particular decoy pattern so as to effectively protect a ship against an identified threat. Such features encompass Applicants' exemplary embodiment as illustrated in Fig. 8, wherein warning sensors detect approaching missiles, the respective missile type as well as its direction of approach and distance. This data is supplied to the central computer 2. The specific data relevant for a missile defense with regard to the detected missile type, is fetched from a correlation database or threat table.

The Examiner recognizes in paragraph 9 of the Office Action that the Herrmann publication lacks a computer including a database in which appropriate decoy patterns for respective missile type and the respective attack structure are stored. The Office Action asserts that the *Kravitz* publication overcomes this deficiency of the Herrmann publication.

The *Kravitz* publication claims benefit of a provisional application filed on June 10, 2004. Applicants are preparing and will submit a certified translation of German Priority Document 10346001.2 filed October 2, 2003 from which the instant application claims priority. The October 2, 2003 filing date of German Application 10346001.2 is prior to the June 10, 2004 priority date of the *Kravitz* publication. Thus, *Kravitz* is not prior art to the instant application. Withdrawal of the rejections of the June 12, 2009 Office Action are therefore respectfully requested.

The dependent claims are allowable for at least the reasons discussed above, as well as for the individual features they recite.

Early and favorable action with respect to this application is respectfully requested.

Should the Examiner have any questions regarding this Amendment or the application in general, he is invited to contact the undersigned at the number provided below.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

Date: September 14, 2009 By: 
Michael Britton
Registration No. 47260

Customer No. 21839
703 836 6620